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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   UNITED STATES OF AMERICA,

No. CR 14-24 RAJ

10                  Plaintiff,

ORDER DENYING MOTION TO  
REOPEN DETENTION HEARING

11                  v.

12                  DICKSON V. LEE,

13                  Defendant.

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16                  Defendant appeared before the undersigned Magistrate Judge for a detention hearing on  
17 April 1, 2014. After a lengthy hearing, Mr. Lee was ordered detained. Dkts. 13, 14. Before  
18 the Court is defendant's motion to reopen the detention hearing and revoke the detention order.  
19 Dkt. 28. The government has responded, and defendant filed a reply and an additional  
20 pleading after the reply. *See* Dkt. Nos. 32, 34, 35, and 42.

21                  18 U.S.C. § 3142(c)(3) provides that the "judicial officer may at any time amend the  
22 order to impose additional or different conditions of release." 18 U.S.C. § 3142(f) authorizes  
23 the court to reopen a detention hearing

24                  before or after a determination by the judicial officer, at any time  
25 before trial if the judicial officer finds that information exists that  
26 was not known to the movant at the time of the hearing and that  
has a material bearing on the issue whether there are conditions  
of release that will reasonably assure the appearance of such

1                   person as required and the safety of any other person and the  
2                   community.

3                   Thus, the party moving to reopen must indicate (1) what the new information is, (2) the  
4                   reason that it was not known to the movant at the time of the hearing, and (3) how the new  
5                   information is material. J. Weinberg, *Federal Bail and Detention Handbook*, § 6.9 (PLI 2012).  
6                   The judicial officer can either direct a response to the motion to reopen or can rule without a  
7                   further response. *Id.*

8                   Here, the proffered new evidence is neither new nor otherwise unavailable. Arguments  
9                   about control of corporate interests and the abilities of those corporate interests to entice Mr.  
10                  Lee to appear for required court hearings were a major part of the lengthy detention hearing.  
11                  Moreover, and more importantly, even after considering the “new evidence,” the evidence as a  
12                  whole continues to strongly support the fact that there are no conditions of combination of  
13                  conditions that will assure the defendant’s appearance as required. Accordingly, the  
14                  defendant’s motion to reopen the detention hearing, Dkt. No. 28, is DENIED.

15                  DATED this 23rd day of May, 2014.

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18                  JAMES P. DONOHUE  
19                  United States Magistrate Judge  
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